

Bureau of Prisons, Justice

§ 541.3

- 541.46 Programs and services.
- 541.47 Admission to control unit.
- 541.48 Search of control unit inmates.
- 541.49 Review of control unit placement.
- 541.50 Release from a control unit.

Subpart E—Procedures for Handling of HIV Positive Inmates Who Pose Danger to Others

- 541.60 Purpose and scope.
- 541.61 Standard for placement in controlled housing status.
- 541.62 Referral for placement.
- 541.63 Hearing procedure.
- 541.64 Decision of the Hearing Administrator.
- 541.65 Regional Director review and appeal.
- 541.66 Programs and services.
- 541.67 Review of controlled housing status.
- 541.68 Release from controlled housing status.

AUTHORITY: 15 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161—4166 (Repealed as to offenses committed on or after November 1, 1987), 5006—5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

Subpart A—Inmate Discipline Program

SOURCE: 75 FR 76267, Dec. 8, 2010, unless otherwise noted.

§ 541.1 Purpose.

This subpart describes the Federal Bureau of Prisons' (Bureau) inmate discipline program. This program helps ensure the safety, security, and orderly operation of correctional facilities, and

the protection of the public, by allowing Bureau staff to impose sanctions on inmates who commit prohibited acts. Sanctions will not be imposed in a capricious or retaliatory manner. The Bureau's inmate discipline program is authorized by 18 U.S.C. 4042(a)(3).

§ 541.2 Application.

This program applies to sentenced and unsentenced inmates in Bureau custody. It also applies to sentenced and unsentenced inmates designated to any prison, institution, or facility in which persons are held in custody by direction of, or under an agreement with, the Bureau of Prisons.

§ 541.3 Prohibited acts and available sanctions.

(a) *Prohibited acts.* The list of prohibited acts are divided into four separate categories based on severity: Greatest; High; Moderate; and Low. We describe the prohibited acts in Table 1—Prohibited Acts and Available Sanctions. Aiding, attempting, abetting, or making plans to commit any of the prohibited acts is treated the same as committing the act itself.

(b) *Available sanctions.* The list of available sanctions for committing prohibited acts is listed in Table 1—Prohibited Acts and Available Sanctions. If you commit repetitive prohibited acts, we can impose increased sanctions, as listed in Table 2—Additional Available Sanctions for Repeated Prohibited Acts Within the Same Severity Level.

TABLE 1—PROHIBITED ACTS AND AVAILABLE SANCTIONS

Greatest Severity Level Prohibited Acts	
100	Killing.
101	Assaulting any person, or an armed assault on the institution's secure perimeter (a charge for assaulting any person at this level is to be used only when serious physical injury has been attempted or accomplished).
102	Escape from escort; escape from any secure or non-secure institution, including community confinement; escape from unescorted community program or activity; escape from outside a secure institution.
103	Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of Greatest Severity, e.g., in furtherance of a riot or escape; otherwise the charge is properly classified Code 218, or 329).
104	Possession, manufacture, or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, ammunition, or any instrument used as a weapon.
105	Rioting.
106	Encouraging others to riot.
107	Taking hostage(s).

TABLE 1—PROHIBITED ACTS AND AVAILABLE SANCTIONS—Continued

108	Possession, manufacture, introduction, or loss of a hazardous tool (tools most likely to be used in an escape or escape attempt or to serve as weapons capable of doing serious bodily harm to others; or those hazardous to institutional security or personal safety; <i>e.g.</i> , hack-saw blade, body armor, maps, handmade rope, or other escape paraphernalia, portable telephone, pager, or other electronic device).
109	(Not to be used).
110	Refusing to provide a urine sample; refusing to breathe into a Breathalyzer; refusing to take part in other drug-abuse testing.
111	Introduction or making of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.
112	Use of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.
113	Possession of any narcotics, marijuana, drugs, alcohol, intoxicants, or related paraphernalia, not prescribed for the individual by the medical staff.
114	Sexual assault of any person, involving non-consensual touching by force or threat of force.
115	Destroying and/or disposing of any item during a search or attempt to search.
196	Use of the mail for an illegal purpose or to commit or further a Greatest category prohibited act.
197	Use of the telephone for an illegal purpose or to commit or further a Greatest category prohibited act.
198	Interfering with a staff member in the performance of duties most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as “most like” one of the listed Greatest severity prohibited acts.
199	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Greatest severity prohibited act. This charge is to be used only when another charge of Greatest severity is not accurate. The offending conduct must be charged as “most like” one of the listed Greatest severity prohibited acts.
Available Sanctions for Greatest Severity Level Prohibited Acts	
A.	Recommend parole date rescission or retardation.
B.	Forfeit and/or withhold earned statutory good time or non-vested good conduct time (up to 100%) and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
B.1.	Disallow ordinarily between 50% and 75% (27–41 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
C.	Disciplinary segregation (up to 12 months).
D.	Make monetary restitution.
E.	Monetary fine.
F.	Loss of privileges (<i>e.g.</i> , visiting, telephone, commissary, movies, recreation).
G.	Change housing (quarters).
H.	Remove from program and/or group activity.
I.	Loss of job.
J.	Impound inmate's personal property.
K.	Confiscate contraband.
L.	Restrict to quarters.
M.	Extra duty.
High Severity Level Prohibited Acts	
200	Escape from a work detail, non-secure institution, or other non-secure confinement, including community confinement, with subsequent voluntary return to Bureau of Prisons custody within four hours.
201	Fighting with another person.
202	(Not to be used).
203	Threatening another with bodily harm or any other offense.
204	Extortion; blackmail; protection; demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing.
205	Engaging in sexual acts.
206	Making sexual proposals or threats to another.
207	Wearing a disguise or a mask.
208	Possession of any unauthorized locking device, or lock pick, or tampering with or blocking any lock device (includes keys), or destroying, altering, interfering with, improperly using, or damaging any security device, mechanism, or procedure.
209	Adulteration of any food or drink.
210	(Not to be used).
211	Possessing any officer's or staff clothing.
212	Engaging in or encouraging a group demonstration.

TABLE 1—PROHIBITED ACTS AND AVAILABLE SANCTIONS—Continued

213	Encouraging others to refuse to work, or to participate in a work stoppage.
214	(Not to be used).
215	(Not to be used).
216	Giving or offering an official or staff member a bribe, or anything of value.
217	Giving money to, or receiving money from, any person for the purpose of introducing contraband or any other illegal or prohibited purpose.
218	Destroying, altering, or damaging government property, or the property of another person, having a value in excess of \$100.00, or destroying, altering, damaging life-safety devices (<i>e.g.</i> , fire alarm) regardless of financial value.
219	Stealing; theft (including data obtained through the unauthorized use of a communications device, or through unauthorized access to disks, tapes, or computer printouts or other automated equipment on which data is stored).
220	Demonstrating, practicing, or using martial arts, boxing (except for use of a punching bag), wrestling, or other forms of physical encounter, or military exercises or drill (except for drill authorized by staff).
221	Being in an unauthorized area with a person of the opposite sex without staff permission.
222	(Not to be used).
223	(Not to be used).
224	Assaulting any person (a charge at this level is used when less serious physical injury or contact has been attempted or accomplished by an inmate).
225	Stalking another person through repeated behavior which harasses, alarms, or annoys the person, after having been previously warned to stop such conduct.
226	Possession of stolen property.
227	Refusing to participate in a required physical test or examination unrelated to testing for drug abuse (<i>e.g.</i> , DNA, HIV, tuberculosis).
228	Tattooing or self-mutilation.
229	Sexual assault of any person, involving non-consensual touching without force or threat of force.
296	Use of the mail for abuses other than criminal activity which circumvent mail monitoring procedures (<i>e.g.</i> , use of the mail to commit or further a High category prohibited act, special mail abuse; writing letters in code; directing others to send, sending, or receiving a letter or mail through unauthorized means; sending mail for other inmates without authorization; sending correspondence to a specific address with directions or intent to have the correspondence sent to an unauthorized person; and using a fictitious return address in an attempt to send or receive unauthorized correspondence).
297	Use of the telephone for abuses other than illegal activity which circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a High category prohibited act.
298	Interfering with a staff member in the performance of duties most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as "most like" one of the listed High severity prohibited acts.
299	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another High severity prohibited act. This charge is to be used only when another charge of High severity is not accurate. The offending conduct must be charged as "most like" one of the listed High severity prohibited acts.
Available Sanctions for High Severity Level Prohibited Acts	
A.	Recommend parole date rescission or retardation.
B.	Forfeit and/or withhold earned statutory good time or non-vested good conduct time up to 50% or up to 60 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
B.1	Disallow ordinarily between 25% and 50% (14–27 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
C.	Disciplinary segregation (up to 6 months).
D.	Make monetary restitution.
E.	Monetary fine.
F.	Loss of privileges (<i>e.g.</i> , visiting, telephone, commissary, movies, recreation).
G.	Change housing (quarters).
H.	Remove from program and/or group activity.
I.	Loss of job.
J.	Impound inmate's personal property.
K.	Confiscate contraband.
L.	Restrict to quarters.
M.	Extra duty.

TABLE 1—PROHIBITED ACTS AND AVAILABLE SANCTIONS—Continued

Moderate Severity Level Prohibited Acts	
300	Indecent Exposure.
301	(Not to be used).
302	Misuse of authorized medication.
303	Possession of money or currency, unless specifically authorized, or in excess of the amount authorized.
304	Loaning of property or anything of value for profit or increased return.
305	Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular channels.
306	Refusing to work or to accept a program assignment.
307	Refusing to obey an order of any staff member (may be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed, <i>e.g.</i> , failure to obey an order which furthers a riot would be charged as 105, Rioting; refusing to obey an order which furthers a fight would be charged as 201, Fighting; refusing to provide a urine sample when ordered as part of a drug-abuse test would be charged as 110).
308	Violating a condition of a furlough.
309	Violating a condition of a community program.
310	Unexcused absence from work or any program assignment.
311	Failing to perform work as instructed by the supervisor.
312	Insolence towards a staff member.
313	Lying or providing a false statement to a staff member.
314	Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security, or official paper (may be categorized in terms of greater severity according to the nature of the item being reproduced, <i>e.g.</i> , counterfeiting release papers to effect escape, Code 102).
315	Participating in an unauthorized meeting or gathering.
316	Being in an unauthorized area without staff authorization.
317	Failure to follow safety or sanitation regulations (including safety regulations, chemical instructions, tools, MSDS sheets, OSHA standards).
318	Using any equipment or machinery without staff authorization.
319	Using any equipment or machinery contrary to instructions or posted safety standards.
320	Failing to stand count.
321	Interfering with the taking of count.
322	(Not to be used).
323	(Not to be used).
324	Gambling.
325	Preparing or conducting a gambling pool.
326	Possession of gambling paraphernalia.
327	Unauthorized contacts with the public.
328	Giving money or anything of value to, or accepting money or anything of value from, another inmate or any other person without staff authorization.
329	Destroying, altering, or damaging government property, or the property of another person, having a value of \$100.00 or less.
330	Being unsanitary or untidy; failing to keep one's person or quarters in accordance with posted standards.
331	Possession, manufacture, introduction, or loss of a non-hazardous tool, equipment, supplies, or other non-hazardous contraband (tools not likely to be used in an escape or escape attempt, or to serve as a weapon capable of doing serious bodily harm to others, or not hazardous to institutional security or personal safety) (other non-hazardous contraband includes such items as food, cosmetics, cleaning supplies, smoking apparatus and tobacco in any form where prohibited, and unauthorized nutritional/dietary supplements).
332	Smoking where prohibited.
333	Fraudulent or deceptive completion of a skills test (<i>e.g.</i> , cheating on a GED, or other educational or vocational skills test).
334	Conducting a business; conducting or directing an investment transaction without staff authorization.
335	Communicating gang affiliation; participating in gang related activities; possession of paraphernalia indicating gang affiliation.
336	Circulating a petition.
336	Use of the mail for abuses other than criminal activity which do not circumvent mail monitoring; or use of the mail to commit or further a Moderate category prohibited act.
337	Use of the telephone for abuses other than illegal activity which do not circumvent the ability of staff to monitor frequency of telephone use, content of the call, or the number called; or to commit or further a Moderate category prohibited act.

TABLE 1—PROHIBITED ACTS AND AVAILABLE SANCTIONS—Continued

398	Interfering with a staff member in the performance of duties most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as "most like" one of the listed Moderate severity prohibited acts.
399	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Moderate severity prohibited act. This charge is to be used only when another charge of Moderate severity is not accurate. The offending conduct must be charged as "most like" one of the listed Moderate severity prohibited acts.
Available Sanctions for Moderate Severity Level Prohibited Acts	
A.	Recommend parole date rescission or retardation.
B.	Forfeit and/or withhold earned statutory good time or non-vested good conduct time up to 25% or up to 30 days, whichever is less, and/or terminate or disallow extra good time (an extra good time or good conduct time sanction may not be suspended).
B.1	Disallow ordinarily up to 25% (1–14 days) of good conduct time credit available for year (a good conduct time sanction may not be suspended).
C.	Disciplinary segregation (up to 3 months).
D.	Make monetary restitution.
E.	Monetary fine.
F.	Loss of privileges (<i>e.g.</i> , visiting, telephone, commissary, movies, recreation).
G.	Change housing (quarters).
H.	Remove from program and/or group activity.
I.	Loss of job.
J.	Impound inmate's personal property.
K.	Confiscate contraband.
L.	Restrict to quarters.
M.	Extra duty.
Low Severity Level Prohibited Acts	
400	(Not to be used).
401	(Not to be used).
402	Malingering, feigning illness.
403	(Not to be used).
404	Using abusive or obscene language.
405	(Not to be used).
406	(Not to be used).
407	Conduct with a visitor in violation of Bureau regulations.
408	(Not to be used).
409	Unauthorized physical contact (<i>e.g.</i> , kissing, embracing).
498	Interfering with a staff member in the performance of duties most like another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as "most like" one of the listed Low severity prohibited acts.
499	Conduct which disrupts or interferes with the security or orderly running of the institution or the Bureau of Prisons most like another Low severity prohibited act. This charge is to be used only when another charge of Low severity is not accurate. The offending conduct must be charged as "most like" one of the listed Low severity prohibited acts.
Available Sanctions for Low Severity Level Prohibited Acts	
B.1	Disallow ordinarily up to 12.5% (1–7 days) of good conduct time credit available for year (to be used only where inmate found to have committed a second violation of the same prohibited act within 6 months); Disallow ordinarily up to 25% (1–14 days) of good conduct time credit available for year (to be used only where inmate found to have committed a third violation of the same prohibited act within 6 months) (a good conduct time sanction may not be suspended).
D.	Make monetary restitution.
E.	Monetary fine.
F.	Loss of privileges (<i>e.g.</i> , visiting, telephone, commissary, movies, recreation).
G.	Change housing (quarters).
H.	Remove from program and/or group activity.
I.	Loss of job.
J.	Impound inmate's personal property.
K.	Confiscate contraband.
L.	Restrict to quarters.
M.	Extra duty.

TABLE 2—ADDITIONAL AVAILABLE SANCTIONS FOR REPEATED PROHIBITED ACTS WITHIN THE SAME SEVERITY LEVEL

Prohibited act severity level	Time period for prior offense (same code)	Frequency of repeated offense	Additional available sanctions
Low Severity (400 level)	6 months	2nd offense	1. Disciplinary segregation (up to 1 month). 2. Forfeit earned SGT or non-vested GCT up to 10% or up to 15 days, whichever is less, and/or terminate or disallow extra good time (EGT) (an EGT sanction may not be suspended). Any available Moderate severity level sanction (300 series).
Moderate Severity (300 level)	12 months	3rd or more offense 2nd offense	1. Disciplinary segregation (up to 6 months). 2. Forfeit earned SGT or non-vested GCT up to 37½% or up to 45 days, whichever is less, and/or terminate or disallow EGT (an EGT sanction may not be suspended). Any available High severity level sanction (200 series).
High Severity (200 level)	18 months	3rd or more offense 2nd offense	1. Disciplinary segregation (up to 12 months). 2. Forfeit earned SGT or non-vested GCT up to 75% or up to 90 days, whichever is less, and/or terminate or disallow EGT (an EGT sanction may not be suspended). Any available Greatest severity level sanction (100 series).
Greatest Severity (100 level)	24 months	3rd or more offense 2nd or more offense.	Disciplinary Segregation (up to 18 months).

[75 FR 76267, Dec. 8, 2010; 75 FR 81854, Dec. 29, 2010]

§ 541.4 Loss of good conduct sentence credit as a mandatory sanction.

(a) You will lose good conduct sentence credit as a mandatory disciplinary sanction if you are in one of the following two groups:

(1) *VCCLEA-violent inmates*. The date of your U.S. Code offense was on or after September 13, 1994, but before April 26, 1996, and you committed a “crime of violence” as defined by the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA); or

(2) *PLRA inmates and DC Code offenders*. The date of your U.S. Code offense was on or after April 26, 1996, and, therefore, under the Prison Litigation Reform Act (PLRA), or the date of your District of Columbia (DC) Code offense was on or after August 5, 2000.

(b) If you are an inmate in one of the above groups and commit a prohibited act, you will lose good conduct sentence credit as a mandatory disciplinary sanction. The amount of good conduct sentence credit you will lose depends on the severity level of the prohibited act(s) committed, as follows:

(1) *Greatest Severity Level Offenses*. You will lose at least 41 days, or 75% of available credit if less than 54 days are available for the prorated period, for each act committed.

(2) *High Severity Level Offenses*. You will lose at least 27 days, or 50% of available credit if less than 54 days are available for the prorated period, for each act committed.

(3) *Moderate Severity Level Offenses*. You will lose at least 14 days, or 25% of available credit if less than 54 days are available for the prorated period, after committing two or more Moderate severity acts during the current year of your good conduct sentence credit availability.

(4) *Low Severity Level Offenses*. You will lose at least 7 days, or 12.5% of available credit if less than 54 days are available for the prorated period, after committing three or more Low severity acts during the current year of your good conduct sentence credit availability.

§ 541.5 Discipline process.

(a) *Incident report*. The discipline process starts when staff witness or reasonably believe that you committed a prohibited act. A staff member will issue you an incident report describing